

APPLICATION FOR SAFETY ACT DESIGNATION

The purpose of completing a SAFETY Act Designation application is for you, the Seller of a Technology, to explain to the Department how your Technology qualifies for the system of risk management and litigation management under the SAFETY Act. The questions are designed to elicit the information that will allow the Department to understand exactly what it is that you sell and how it relates to the criteria for Designation set forth in the Act. Not all questions will be applicable to all types of technology – this is unavoidable given the broad range of potential types of qualifying technologies. If a particular request or question does not seem relevant to your Technology, explain why you do not think it is relevant in your response to that item. In addition, the Department will accept any supplemental information regarding your Technology that you wish to provide. It is particularly important to identify any prior use or ongoing procurements of your Technology by the military, Federal Government agencies, or State, local, or foreign governmental entities. Prior Government use or procurement may significantly expedite the application process.

(SAFETY Act Designation Application Form on following page)

Application for SAFETY Act Designation

APPLICATION TYPE

D1. Type of Application. This application is a(n) *(choose one)*:

☐ Initial Filing

☐ Application following a Pre-Application Consultation

Application ID #: _____

☐ Resubmission of a Previous Application

Application ID #: _____

☐ Application for Renewal of Designation:

Application ID #: _____

D1.1 Public Web site Listing

If your Technology is awarded SAFETY Act coverage, you have the opportunity to be listed on the SAFETY Act Web site as a Designated Seller of a Qualified Anti-Terrorism Technology (QATT). [For example, if you apply for Designation and Certification and receive Designation, your Technology will be listed under Designated Technologies. Or, if you are granted DT&E Designation, regardless of which protection you applied for, you will be so listed on the Web site. Note: By statute, all Certified Technologies will be displayed in the Approved Products List for Homeland Security on the Web site.]

☐ I wish to have my QATT listed on the public Web site under the appropriate classification.

☐ I do not wish to have my QATT listed on the public Web site under the appropriate classification.

EXPEDITED REVIEW

D2. Request for Expedited Review

In its discretion, the Department may identify categories of anti-terrorism technologies for which expedited processing may be granted. For example, the Under Secretary may conduct expedited processing for applications that are the subject of a pending Federal, State, or local procurement, that address a particular threat, that involve particular types of anti-terrorism technologies, or for other reasons. If you are requesting expedited review, please specify the basis for such a request, including, if applicable, information concerning an ongoing procurement. Such information should include the following:

- a. The name of procuring organization;
- b. Contact information for relevant Government procurement officials;
- c. The related Request for Proposal (RFP) number or other official identifier of the procurement, if available; and
- d. Upcoming deadlines relating to the procurement (e.g., submission deadline, decision/contract award, etc.).

Please note if your application falls under a published DHS Notice of Expedited Processing, provide the reference number for such Notice, and a brief statement as to why your application falls within the scope of the Notice. If you wish to provide other bases for expedited processing, please specify.

REGISTRATION INFORMATION

D3. Registration Status (*choose one*):

- ☐ My initial Seller registration is included with this application.
- ☐ I am updating or correcting previous registration information.
- ☐ My previously provided registration information is still accurate.

D3.1. Seller Name: _____

OVERVIEW OF THE ANTI-TERRORISM TECHNOLOGY

D4. Non-proprietary Summary

D4.1. Name of your Technology: _____

D4.2. Company and Technology Description. Provide an overview of your company, including place of incorporation, a description of your business, and the Technology that is the subject of this application.

D5. Nature of your Technology. If your Technology is a product or device, please describe the Technology in detail, including its principal elements, subsystems and components. If your Technology is a service, please describe the nature of the service, the actions, activities, planning, training, and/or expertise involved in providing the service and how the service is designed to counter terrorist threats. If your Technology is an “integrator” of various products, services, or legacy systems, indicate how the Technology will integrate the various component parts. Please clearly identify all components of your Technology for which you seek SAFETY Act protections.

D6. Past Sales and ongoing procurements. Note: It may be very important and could significantly expedite your application if your Technology has been acquired or used (or is subject to an ongoing procurement) by the military, a Federal Government agency, or a State, local or foreign governmental entity.

D6.1. Who has purchased or plans to purchase your Technology? (*Choose all that apply.*) Please provide a brief description of such purchases.

- ☐ Federal Government (Agency: _____ Approximate Date: _____)
- ☐ State Government (State: _____ Approximate Date: _____)
- ☐ Local Government (City/County: _____ Approximate Date: _____)
- ☐ Commercial organization (Name: _____ Approximate Date: _____)
- ☐ Foreign Government (Name: _____ Approximate Date: _____)

D6.2. Contact information. Include name, address, phone number, and e-mail address or procuring officials, if available.

If POCs are provided as sources of information or testimonials, check below to indicate that you have contacted them and that they are expecting to hear from DHS related to your Technology. Also, indicate below what information we should expect from each POC.

☐ The POCs are expecting contact from DHS. The information the POC can provide or verify is:

D6.3. If applicable, provide information regarding your Technology's use by the United States Government or by any State, local, or foreign Government.

D6.4. Please identify any determination made by Federal, State, or local Government officials in any past or ongoing procurement or other context that your Technology is appropriate for the purpose of countering terrorism.

D7. If any other corporate entity or entities should be identified as an authorized Seller of the subject Technology in addition to the firm identified in the response to D3.1 above, please identify each entity and the place in which it is organized.

D8. Provide the earliest date of sale of the Technology for which you are requesting SAFETY Act coverage.

DESIGNATION AS A QUALIFIED ANTI-TERRORISM TECHNOLOGY

Respond to all items in this section in one attachment to this application. Additional supporting material may be attached as an appendix to your application.

D9. Description of your Technology. Describe your Technology in detail. This description will serve as the basis for the Department's analysis of your Technology for SAFETY Act purposes. The content of the response you provide in this section, together with any additional information you may be asked to provide, may be used to finalize the definition and scope of your Technology as it will appear in a Designation.

D10. Deployment and Operation. Describe the sequence of steps involved in deploying and operating your Technology.

D11. Readiness for Sale. How ready is your Technology to be sold and deployed?

- D12.** Magnitude of Risk. Please provide an assessment of the magnitude of risk to the public from the type of terrorist activities your Technology would counter. Please describe, to the extent practicable, the scope of the injury, property or other damage, economic loss, loss of life, or other harm that could result from such terrorist activity. Please describe how the Technology has been deployed to date and how it can counter terrorist activities.
- D13.** Please describe how your plans for selling, deploying, or maintaining your Technology would be affected if the Department does not issue a SAFETY Act Designation for your Technology. Please describe how the Technology will be deployed in the future if SAFETY Act Designation is issued.
- D14.** Effectiveness and Utility. Provide information supporting the potential for your Technology to be effective in countering potential acts of terrorism. Please provide internal or external effectiveness tests or other information indicating the effectiveness of your Technology. This can include acceptance test data from a Government contracting action, customer feedback, or other relevant data or experience. As noted, acceptance of your Technology by a Government purchaser may be highly relevant and expedite approval of your application.

If POCs are provided as sources of information or testimonials, check below to indicate that you have contacted them and that they are expecting to hear from DHS related to your Technology. Also, indicate below what information we should expect from each POC.

☐ The POCs are expecting contact from DHS. The information the POC can provide or verify is:

- D15.** Include any other information the Department should consider in evaluating your Technology.

If POCs are provided as sources of information or testimonials, check below to indicate that you have contacted them and that they are expecting to hear from DHS related to your Technology. Also, indicate below what information we should expect from each POC.

☐ The POCs are expecting contact from DHS. The information the POC can provide or verify is:

D16. Insurance Data

D16.1. Please provide the information indicated below for any and all current liability insurance policies that are available to satisfy otherwise compensable third-party claims arising out of, relating to, or resulting from an act of terrorism were your Technology deployed in defense against, response to, or recovery from such act:

- a. Primary named insured (as it appears on your insurance policy).
- b. Additional named insured relevant to the Technology Sellers.
- c. Type of policy(ies) (e.g., Comprehensive General Liability, Errors and Omissions, Aviation, Product Liability, SAFETY Act Liability, etc.)
- d. Policy Dates. (Start and end)
- e. Insurer.
- f. Per-occurrence limits.¹
- g. Aggregate limits.
- h. Annual Premium(s).²
- i. Deductible(s) or Self-insured retentions.
- j. Exclusions (*please note and explain any pertinent insurance exclusions, cancellation terms, or limits that would potentially dilute or eliminate the availability of coverage under the policies identified in sub-paragraph “c” above*).
- k. Please describe the type and limits of terrorism coverage for this policy. Please elaborate on the applicability of the policies identified in sub-paragraph “c” to address the foreseeable risks associated with the deployment of the Technology, including those risks arising from the deployment of the Technology in advance of or response to an act of

¹ Please indicate whether the policy(ies) has a different limit or deductible/self-insured retention for terrorist acts than the general policy limit and, if so, provide both.

² Insurance premium: If possible, please indicate what percentage of the premium is allotted to coverage for acts of terrorism.

terrorism. Please also indicate whether the identified policy(ies) provides coverage under the Terrorism Risk Insurance Act (TRIA) of 2002, as amended, or other insurance policy(ies) provisions or endorsements.

1. Please describe whether the relevant policy(ies) covers SAFETY Act claims and whether the policy(ies) has a dedicated limit that applies to SAFETY Act claims only or has a shared limit (i.e., shared with non-SAFETY Act claims). Please indicate whether you have received a written interpretation letter from either the carrier or insurance broker indicating whether the policy covers SAFETY Act claims; if so, please provide a copy of such document.

D16.2. Unavailability of Insurance

- a. If you do not currently carry insurance for the Technology that would be applicable in the event of an act of terrorism, please indicate the reasons. If you have attempted to purchase insurance but it is not available on the world market, please indicate the specific inquiries you have made. (You may submit written communications from insurance companies or brokers explaining why your Technology cannot be insured.)
- b. If you have endeavored to purchase insurance but have not done so because you have concluded that the cost of insurance premiums would unreasonably distort the price of the Technology, please describe those efforts to find appropriate insurance and state why you have concluded that the cost of insurance for your Technology would unreasonably distort its sales price. In this context, you may need to provide an explanation with relevant documentation (e.g., insurance quotes with limits, premiums, exclusions, and other key items plus other relevant financial and market data). **Note: The Department recognizes that the discussion of requisite insurance with an Applicant may require a number of communications while an application is pending. Thus, the question of whether a given premium would “distort the sales price” of a Technology might not arise when the application is submitted. If the question does arise later in the process, the Applicant may submit appropriate information at that time.**

D16.3. Insurance Point of Contact

If POCs are provided as sources of information or testimonials, check below to indicate that you have contacted them and that they are expecting to hear from DHS related to your Technology. Also, indicate below what information we should expect from each POC.

☐ The POCs are expecting contact from DHS. The information the POC can provide or verify is:

D16.4. Revenue Projection

In order for us to determine the amount of insurance that would not unreasonably distort the sales price of your Technology, we need you to provide us with three (3)-year projected (prospective) revenue estimates for your Technology - all assuming that your Technology is approved under the SAFETY Act. The three-year period should include your current fiscal year, if incomplete, and two subsequent years.

If you do not have current year sales for your Technology, please provide us with three (3)-year projected revenue data.

The revenue data needs only to pertain to your Technology and the numbers need only be summarized data (that is, we do not require the revenue sources to be itemized). The revenue data should be matched with summarized cost data (e.g., cost of goods sold); as with the revenue data, we do not require breakdown of data by cost centers.

D16.5. Deployment. Please establish how the deployment of your Technology as an anti-terrorism technology would expose you to extraordinarily high liability and what this liability might be. This can be accomplished by developing a plausible scenario that establishes how the Technology could be the proximate cause of third-party claims in the event of an act of terrorism. Please make the scenario and third-party liability claims specific to the deployment and use of your Technology.

D17. Financial Data

Certain financial information regarding your company and projected/prospective Technology revenue may be particularly relevant to the application process. This is particularly true when questions arise as to whether insurance costs for specified coverage limits unduly distort the price of your Technology. We may request additional financial information from the Applicant if necessary during the application process.

D17.1. You may provide a copy of the Seller's financial statement for the most recent fiscal year. For public companies, the most recent SEC annual report (Form 10-K) and SEC quarterly report (Form 10-Q), together with any

amendments thereto, should suffice. For non-publicly traded companies, you may choose to include the following information for the most recent fiscal year: income statement, statement of cash flow, and balance sheet as well as pro forma financial statement. OSAI will seek additional and more specific information only when necessary for a particular application.

ADDITIONAL ATTACHMENTS

Provide all supporting documentation.

DECLARATION FOR WRITTEN SUBMISSIONS

I declare, to the best of my knowledge and belief, that the information provided in response to the questions set forth in this Application for SAFETY Act liability protections is true, factual, and correct, and that I am an authorized agent of the Applicant.

Prepared By: _____ Title (if applicable): _____

Signature: _____ Date: ____/____/20__

The signature of the Preparer must be notarized below:

State of: _____ County of: _____

Subscribed and sworn before me this _____ day of _____

Notary Public: _____

My Commission Expires on: _____

Instructions for Completing Designation Application Form:

Application Type

Item D1. Type of Application

If you have not previously filed an application for SAFETY Act liability protections for this Technology or have not filed a request for Pre-Application Consultation, check “Initial Filing.”

If you have filed a request for Pre-Application Consultation regarding this Technology but have not previously filed an Application for SAFETY Act Designation as a Qualified Anti-Terrorism Technology (QATT), check the second box: “Application following a Pre-Application Consultation.”

If you have previously applied for SAFETY Act liability protections for this Technology, check the third box: “Resubmission of Previous Application.” This case applies if any previous applications for this Technology were withdrawn, found to be incomplete, or were declined. Previously incomplete or declined applications will not affect the evaluation of your current application; this information is requested for administrative and record-keeping purposes only.

If you are filing this form in order to apply for renewal of a Designation, check the fourth box: “Application for Renewal of Designation,” and enter the identification number of the Designation you are renewing as it appeared on your original notification. For renewal applications, you must complete all items but may respond with “No changes” to items that have not changed since your last application for Designation or approved Modification Notice. Wherever you have additional or revised information since your last Designation application or approved Modification Notice, complete that item as directed.

Expedited Review

Item D2. Request for Expedited Review

In its discretion, the Department may identify categories of anti-terrorism technologies for which expedited processing may be granted. For example, the Under Secretary may conduct expedited processing for applications that are the subject of a pending Federal, State, or local procurement, which address a particular threat involving particular types of anti-terrorism technologies, or for other reasons. If you are requesting an expedited review, please specify the appropriate basis for expedited treatment of your application.

If your Technology is the subject of a pending Government procurement or if you are planning to submit a proposal for a procurement decision in the near future, provide the following information to the extent available:

- a. Name of procuring organization;

- b. Contact information for relevant Government procurement officials;
- c. Related Request for Proposal (RFP) number or other official identifier of the procurement; and
- d. Upcoming deadlines relating to the procurement (e.g., submission deadline, decision/contract award, etc.).

If your request to expedite falls under a published DHS Notice of Expedited Processing, check the appropriate box and follow the published instructions from the announcement.

If your request to expedite is not related to a procurement, please provide the basis for your request and any available supporting information.

Registration Information

Item D3. Registration Information

Please check the appropriate box relating to your registration status.

Item D3.1. Name of Seller/Applicant

Enter your Seller name as listed on your registration form.

Overview of the Anti-Terrorism Technology

Item D4. Non-Proprietary Summary

Item D4.1. If this is the first application for this Technology, assign a name to your Technology. This is the name that will appear on any Designation that may be issued.

If you are applying for renewal of an existing Designation, use the name that appears on your most recent Certificate of Designation or Modification Notice.

Item D4.2. The purpose of this item is to help the Department recognize potential conflicts of interest and to avoid disclosing your application information to inappropriate evaluators. The Department is committed to protecting your sensitive business data from improper disclosure.

Provide a brief description of your company, including place of incorporation, a description of your business, and the Technology that is the subject of the Application. When describing your Technology, focus on providing information that will help the Department identify which Subject Matter Experts (SMEs) would be best qualified to evaluate your Technology. When describing your company, focus on identifying any affiliates that will be involved with your Technology (e.g., parent companies, subsidiaries, joint venture partners, holding companies, etc.).

The purpose of the company description is to help the Department recognize potential conflicts of interest and avoid disclosing your application information to inappropriate evaluators. The Department is committed to protecting your sensitive

business data from improper disclosure. *Do not include any sensitive or proprietary information in this summary.* If you wish to include information on substantially similar QATs or provide information regarding who your major competitors are with respect to the subject Technology, you may do so.

Item D5. Nature of Your Technology

Please describe the nature of your Technology. The SAFETY Act applies to a broad range of anti-terrorism technologies. In your response to the question, please describe whether your application is for an anti-terrorism product, service, combination of products and services, information technology, or some other form of intellectual property. If your Technology is a product or device, please describe the Technology in detail, including its principal elements, sub-systems, and components. If your Technology is a service, please describe the nature of the service, the actions, and associated services, activities, planning, training, and/or expertise involved in providing the service and how the service is designed to counter terrorist threats. If your Technology is an “integration” of various products, services, or legacy systems indicate how the Technology will integrate the various component parts.

Item D6. Past Sales and Ongoing Procurements

If POCs are provided as sources of information or testimonials, please indicate that you have contacted them and that they are expecting to hear from DHS related to your Technology. Also, indicate what information we should expect from each POC.

Item D6.1. What sales of your Technology have you made to date? Identify a representative sale and approximate date for each category that applies. You may add additional attachments as necessary. Please also specify anticipated sales of your Technology.

Note: It may be very important and could significantly expedite your application if your Technology has been acquired or used (or is subject to an ongoing procurement) by the military, a Federal Government agency, or a State, local, or foreign governmental entity.

Item D6.2. For each Federal, State, or local Government agency that has purchased your Technology, provide contact information for one or two points of contact in an attachment. For non-Government sales, provide one Point of Contact. For each Federal acquisition, attach a copy of any Request for Proposals or Broad Agency Announcements that led to the award and a copy of your final proposal and Statement of Work.

For each customer, please indicate whether:

- The Technology has been fully deployed.
- The Technology is in the process of being deployed.

- The Technology has been purchased, but deployment has not yet begun.
- The deployment is conditional on the Technology earning QATT status.

The Department will assume that any Point of Contact you provide has been given permission to be contacted by DHS regarding your application.

If POCs are provided as sources of information or testimonials, please indicate that you have contacted them and that they are expecting to hear from DHS related to your Technology. Also, indicate what information we should expect from each POC.

Item D6.3. Please provide information, if applicable, regarding how the United States Government or any State, local, or foreign Government has used or is using your Technology. You may also include information relating to your Technology's use by other entities and commercial deployments undertaken in coordination or conjunction with Federal, State, local, or foreign Governments.

Item D6.4. Please identify any determination made by Federal, State, or local Government officials that your Technology is effective and appropriate for the purpose of countering terrorism. Such determinations may have been made as part of a Government procurement, licensing action, or in other contexts. Note: It may be very important and could significantly expedite your application if your Technology has been acquired or used (or is subject to an ongoing procurement) by the military, a Federal Government agency, or a State, local, or foreign governmental entity. As appropriate, you should identify why the previously examined Technology is appropriate for countering acts of terrorism or limiting the harm such acts might otherwise cause.

Item D7. Seller

In certain instances, multiple corporate entities may appropriately be identified as a Seller of the subject Technology. For instance, the Seller of the QATT could include a parent company as well as subsidiaries or other affiliates. Your response will be used to properly identify the Seller(s) of the QATT. If you would like multiple entities to be considered a Seller of the QATT, please clearly and precisely identify each of these firms and identify their respective place of incorporation.

Item D8. Earliest Date of Sale

This information will be used to specify the earliest date of sale of the QATT to which the Designation shall apply.

Designation as a QATT

Under the SAFETY Act, the Secretary of the Department of Homeland Security will consider enumerated, non-exclusive criteria in evaluating a Technology for potential Designation as a QATT. The Act gives the Secretary discretion in determining whether to designate a particular technology as a QATT.

This section of the Application requests information that is necessary to evaluate your Technology. Attach your responses to this section as one attachment. Not all questions will be applicable to all types of technology. If a particular request or question does not seem relevant to your Technology, explain why you do not think it is relevant in your response for that item.

Item D9. Specification of your Technology

One of the most important parts of the application process is precisely defining the scope of your Technology for evaluation and Designation. In order for the Secretary to issue liability protections to your Technology, you must specifically define what that Technology is – that is, what you provide to your customers when you sell that Technology, what it does, how it works, and what aspects of it are invariable from one deployment to the next.

Your description should answer the following questions:

- What is your Technology?
- What is your Technology intended to do?
- What specific potential to counter terrorism does your Technology have? In particular, what sort of terrorist attack could be countered by your Technology?
- How and where may your Technology be used?
- How does your Technology counter terrorism? Explain the underlying principles or properties that allow your Technology to perform its functions and achieve its purposes. If your Technology consists of devices, explain the operational principles of those devices. If your Technology consists of services, explain how those services are implemented to ensure consistent quality wherever they are delivered and whether these services conform to recognized industry standards. If your Technology consists of software, explain the key features and algorithms. If your Technology consists of some other kind of product, explain how you produce that product. This information will help the Department understand the precise scope of the Technology for which you are applying for SAFETY Act coverage.
- What are the important elements that make up your Technology? That is, what are the component processes, devices, software, or other contributing activities and technologies that will be included in your specification? How are they defined or delineated? Be aware that any ancillary components of your Technology that are identified in your specification (e.g., manuals, training, maintenance, etc.) should be accompanied by sufficient information to evaluate them. What parts of your business, if any, are explicitly not included in this specification for purposes of this application?

Examples of component systems and activities of your Technology might include:

- Equipment
- Software
- Software design
- Personnel training and qualifications
- Staffing
- Algorithms
- Consulting services
- Systems integration services
- Decision support systems or services
- Maintenance contracts
- Periodic upgrades, post-deployment reviews
- Testing services
- Quality control features

If your Technology is primarily service-based, focus on describing the various activities and sub-processes that contribute to the overall delivery of your service(s). This information will help the Department understand the precise scope of your Technology.

In addition to describing what you do, you should also describe any elements, processes, or activities that complement or interact with your Technology but that are not specifically part of the Technology in this application. These might include other technologies you sell, activities performed by your customers, technologies provided by other vendors, or parts of the public infrastructure. This information will help the Department understand the precise scope of Technology you are establishing in this specification. If your Technology helps to integrate new components with legacy systems, please indicate that.

Item D10. Deployment and Operation

Describe the sequence of steps involved in providing your Technology to a customer, from initial contact to final deployment. Focus your description on the process of producing and deploying your Technology, as opposed to the end result or the nature of any specific tangible deliverable. Where possible, include the estimated time required for each activity or step.

If your Technology involves physical products, your discussion might include elements such as:

- Production, including quality assurance
- Installation and configuration
- Operation
- Training, including any user manuals or terms of use
- Maintenance

- Monitoring
- Upgrades
- Warranties and service contracts
- Quality Control

Where your Technology involves services, your description might include (as relevant):

- Customer requirements analysis
- Determining scope of effort
- Staffing
- Operation
- Training
- Implementation
- Post-delivery support
- Documentation
- Quality Control

In the case of ongoing services, you should also discuss (as relevant):

- Monitoring
- Managing staff turnover
- Managing change requests
- Process quality control

Item D11. Readiness for Sale

If your Technology is not yet being marketed, estimate the time before your Technology will be available for sale or will be sold at your planned maximum rate. You should include any anticipated delays due to funding, required marketing, required licenses or certifications, staffing, sub-contractor delays, etc.

If your Technology is already deployed, describe the deployments. Your description should include the circumstances and the nature of the deployment of your Technology. Provide sufficient information about the scope of the deployment that addresses the following questions: (1) Has it already been deployed? (2) Is it being deployed? (3) Has it been purchased for deployment in the future? Information could also include the length of the deployment, the purpose of the deployment (testing versus general use), and the types of customers using the Technology.

Item D12. Magnitude of Risk

Please provide an assessment of the magnitude of risk to the public from the type of terrorist activities your Technology would counter. Your response should identify the types or categories of potential terrorist activities your Technology is intended to address. Your response should also present, to the extent practicable, estimates of

the scope of the injury, property or other damage, economic loss, loss of life, or other harm, including financial harm, that could result from such terrorist activity. Additionally, please describe how the Technology has been deployed to date to counter such terrorist threats.

Item D13. Impact of SAFETY Act Designation

Please describe how your plans for selling or deploying your Technology would be affected should the SAFETY Act's system of risk and litigation management not be made available. Please describe how the Technology will be deployed in the future if SAFETY Act Designation is issued. Within the response, please address how current and future deployments of your Technology would be affected without SAFETY Act protections. To the extent possible, include the likely effects of the excessive costs of insurance on the price of the product, and the possible consequences thereof on development, marketing, manufacture, qualification, sale, transportation, use, operation, and support of the Technology.

Item D14. Effectiveness and Utility

The information you provide here should include information supporting your belief that your Technology can be a valuable counter terrorism tool. The kind of documentation you provide will depend on the nature of your Technology.

If your Technology is primarily a device or software product, your documentation should emphasize available developmental and operational test data that indicate the likely operating performance of that device or software. This could include performance in past deployments, independent test results, Government licenses or certifications, field tests (e.g. performance against simulated attacks), internal test data, customer studies, scientific studies of the techniques involved, industry reports, Government or military publications, or any other documentation or experience that suggests or supports the potential usefulness of your Technology. Please attach copies of any such reports, publications, or evidence by using the additional attachments sections that would facilitate analysis and evaluation of your Technology by Subject Matter Experts (SMEs).

If your Technology is primarily a service, your documentation should emphasize the quality of the process whereby that service is delivered and should include any available evidence of successful past deployments of a similar nature. In particular, you should provide or cite information that documents any of the following:

- The quality of the services you provide.
- Your specification for the processes you use to provide those services.
- The repeatability of your processes for providing those services.
- Your methods for monitoring your adherence to your processes and in preserving quality.

- Your means for measuring the success of a particular deployment of your services.
- Your experience as a provider of these services.

The Department will not ordinarily conduct tests of your Technology for purposes of SAFETY Act evaluation or compare your Technology directly to other similar technologies. Reviewers will evaluate your Technology against the statutory criteria for Designation primarily on the basis of the information you provide. Accordingly, the information you provide in response to this question should be as comprehensive and thorough as possible. It may be very important and could significantly expedite your application if your Technology has been acquired or used (or is subject to an ongoing procurement) by the military, a Federal Government agency, or a State or local governmental entity. Procurements of your Technology by a foreign Government may be relevant.

Please provide an overview narrative of your Technology, including references and summaries of supporting documentation. If you reference any material that is not publicly available, it should be included as an attachment to your application. If you refer to information provided elsewhere in your application, cite it by internal title, item number, and the name of the attachment. Even though your entire application will be treated as confidential, you may (but are not required to) specially mark those portions of your application which contain proprietary and/or business confidential information.

If POCs are provided as sources of information or testimonials, please indicate that you have contacted them and that they are expecting to hear from DHS related to your Technology. Also, indicate what information we should expect from each POC.

Item D15. Summary of QATT Qualifications

If you wish, you may use this item to summarize in broad terms why you believe your Technology qualifies for SAFETY Act Designation. Please provide whatever additional information that would be helpful to the Department in analyzing and evaluating your Technology. You may refer to the specific criteria of the Act, or suggest other relevant criteria, as you see fit.

If POCs are provided as sources of information or testimonials, please indicate that you have contacted them and that they are expecting to hear from DHS related to your Technology. Also, indicate what information we should expect from each POC.

Item D16. Insurance Data

Document any and all current insurance coverage that would be available to satisfy otherwise compensable third-party claims arising out of, relating to, or resulting from an act of terrorism were your Technology deployed in defense against, response to, or recovery from such an act and found to have caused harm. Please state whether such policy includes Terrorism Risk Insurance Act (TRIA) coverage, as amended, or other

insurance policy(ies) provisions or endorsements that cover acts of terrorism. Please specify any relevant exclusions or cancellation provisions that would limit the availability of the current policies to satisfy third-party claims. Please also ensure that the insurance coverage for all of the Sellers listed in D7. is contained in the answers to the items below. In doing so, please be certain to specify whether the Seller(s) is/are the primary insured or an additional insured.

If POCs are provided as sources of information or testimonials, check below to indicate that you have contacted them and that they are expecting to hear from DHS related to your Technology. Also, indicate below what information we should expect from each POC.

Item D16.1. Current Insurance

For item 16.1a, provide the name of the company identified as the primary insured for the relevant current policy. If you are an additional insured instead of the primary policy holder, please identify the primary insured and each other firm identified as an additional named insured in item 16.1.b.

In item 16.1.k., specify the type of terrorism coverage provided under the referenced policy(ies) (e.g., Terrorism Risk Insurance Extension Act, as amended, other coverage, no terrorism exclusion). Please specify the overall and per-occurrence limits that would apply to the terrorism coverage.

Item D16.2. Unavailability of Insurance

The SAFETY Act provides that a Seller may not be required “to obtain liability insurance of more than the maximum amount of liability insurance reasonably available from private sources on the world market at prices and terms that will not unreasonably distort the sale price of Seller’s anti-terrorism technologies.” If you are unable to obtain appropriate insurance, please provide information concerning your attempts to obtain insurance coverage for your Technology (e.g., written communications from insurance companies or brokers explaining why your Technology cannot be insured). If insurance is available for terrorism events but at rates which would distort the sales price of your Technology, document the prices of that insurance and provide the relevant information to support how this would affect the price of your Technology. You may wish to contact OSAI with questions concerning what information would be most helpful to provide in response to this item. Note: The Department recognizes that the discussion of requisite insurance with an Applicant may require a number of communications while an application is pending. Thus, the question of whether a given premium would “distort the sales price” of a Technology might not arise when the Application is submitted. If the question does arise later in the process, the Applicant may submit appropriate information at that time.

Item D16.3. Insurance Point of Contact

Insurance Point of Contact. Provide a point of contact, including telephone number and e-mail address for someone authorized to discuss your company's insurance information with the Department. This point of contact may be the same person identified in your registration statement and may be your counsel, insurance expert, or any other person with appropriate information.

Item D16.4. Revenue Projections

Please provide us with three (3)-year projected (prospective) revenue data for your Technology. The three-year period should include the current fiscal year, if incomplete, and two subsequent years (best estimate). If you do not have current year sales data for your Technology, please provide us with best estimate projections for the three years following the launch of the Technology. The SAFETY Act requires Sellers of anti-terrorism technologies to obtain liability insurance of such types and in such amounts to satisfy otherwise compensable third-party claims arising out of, relating to, or resulting from an act of terrorism when a Technology has been deployed in defense against, response to, or recovery from an act of terrorism.

Technology revenue projections are of particular relevance in the application process. This is true when questions arise as to whether insurance costs unduly distort the price of your Technology.

Item D16.5. Deployment

Your response should identify the types or categories of potential terrorist activities your Technology is intended to address. Your response should also present, to the extent practicable, estimates of the scope of damage, loss of life, or other harm, including financial harm, that could result from such terrorist activity. As noted in the question, describe in a brief statement how the deployment of your Technology as an anti-terrorism technology could expose your company to extraordinarily large or unquantifiable potential third-party liability, and the potential range of the liability (in U.S. dollars). We have found that use of a brief and concise scenario is a good means to indicate how your Technology could expose you to third-party claims in the event of an act of terrorism.

Item D17. Financial Data

Certain financial data may be used in the process for analyzing the appropriate amount of insurance coverage for your particular Technology. This is particularly true when questions arise as to whether insurance costs unduly distort the price of your Technology. Accordingly, you may be asked to provide certain financial data to OSAI as part of your application. If this is the case, OSAI will not demand financial information when it is not necessary for a particular application, and will not disclose sensitive or proprietary information outside the application process. Applicants may wish to provide financial data relating exclusively to the Technology.

Item D17.1. It may be helpful to attach your latest financial statement. If you are a public company, your latest SEC 10-K annual report and SEC 10-Q quarterly report, together with any amendments thereto, should suffice. If your company is not publicly traded, you may choose to include the following information for the most recent fiscal year: income statement, statement of cash flow, and balance sheet as well as pro-forma financial statement. OSAI will seek additional and more specific information only when necessary for a particular application.

Additional Attachments

In the process of answering the questions above, you might find it useful to attach additional documents in support of your answers. These items can be included in your application by using the “Additional Attachments” feature. When answering the items above, it is appropriate to refer to attachments by name or number. Examples of common attachments might include, but are not limited to, the following: test reports demonstrating the effectiveness of the Technology, operating manuals, training manuals, project/program management plans, quality assurance plans, quality control plans, copies of company certifications, results from pilot studies, testimonials from customers, and warranties.

Declaration for Written Submissions

An authorized agent of the Applicant must, in the presence of a Notary, sign and date this form before submitting it to OSAI. For electronic or Web submissions, follow the instructions provided at safetyact.gov.

APPLICATION FOR SAFETY ACT CERTIFICATION

SAFETY Act Certification provides Sellers of a QATT with an additional measure of liability protection. The Sellers of QATTs that receive SAFETY Act Certification are entitled to all of the liability protections that accompany SAFETY Act Designation as well as the rebuttable presumption that the Government contractor defense applies to claims arising out of, relating to, or resulting from an act of terrorism. In addition, QATTs that received Certification will be placed on the Approved Products List for Homeland Security.

A Certification application may be submitted along with a Designation application or may be submitted after SAFETY Act Designation has been issued. However, a Technology may not receive Certification without having first received Designation.

To receive SAFETY Act Certification, the Department must conclude that the Technology “will perform as intended, conforms to the Seller’s specifications, and is safe for use as intended.”³

(Application Form on following page)

³ 6 USC § 442(d)(2).

Application for SAFETY Certification

APPLICATION TYPE

C1. Type of Application. This application is a(n) *(choose one)*:

- ☐ Initial Application Filing for a Certification, please provide Designation Application ID#: _____
- ☐ Resubmission of a Previous Application for Certification, please provide Designation Application ID #: _____

EXPEDITED REVIEW

C2. Request for Expedited Review

In its discretion, the Department may identify categories of anti-terrorism technologies for which expedited processing may be granted. For example, the Department may conduct expedited processing for applications that are the subject of a pending or past Federal, State, or local procurement, which address a particular threat, involve particular types of anti-terrorism technologies, or do so for other reasons. Depending on the nature of the procurement, this may substantially expedite and simplify the application process. If you are requesting expedited review, please specify the basis for such a request, including, if applicable, information concerning an ongoing procurement. Such information should include the following:

- a. The name of procuring organization;
- b. Contact information for the relevant Government procurement officials;
- c. The related Request for Proposal (RFP) number or other official identifier of the procurement, if available; and
- d. Upcoming deadlines relating to the procurement (e.g., submission deadline, decision/contract award, etc.).

Please note if your application falls under a published DHS Notice of Expedited Processing and provide the reference number for such notice and a brief statement as to why your application falls within the scope of the Notice of the Expedited Processing. If you wish to provide other bases for expedited processing, please specify.

REGISTRATION INFORMATION

C3. Registration Status *(choose one)*:

- ☐ I am updating or correcting previous registration information.
- ☐ My previously provided registration information is still accurate:

C3.1. Seller Name: _____

CERTIFICATION

Respond to all items in this section in one attachment to this application. Additional supporting material may be attached as an appendix to your application.

- C4.** Performs as Intended. Define what it means for your Technology to perform as intended, and provide information and/or data establishing that your Technology performs as intended. This information may be the same as, or in addition to, information provided for an Application for SAFETY Act Designation.

If POCs are provided as sources of information or testimonials, check below to indicate that you have contacted them and that they are expecting to hear from DHS related to your Technology. Also, indicate below what information we should expect from each POC.

☐ The POCs are expecting contact from DHS. The information the POC can provide or verify is:

- C5.** Conforms to Seller's Specifications. Describe the processes and procedures you use to ensure that each sale of your Technology conforms to the applicable specifications. If your Technology was or is involved in a Government procurement, acceptance of the Technology by the Government and related testing may be highly relevant here. Provide available documentation demonstrating that your Technology conforms to established specifications.

If POCs are provided as sources of information or testimonials, check below to indicate that you have contacted them and that they are expecting to hear from DHS related to your Technology. Also, indicate below what information we should expect from each POC.

☐ The POCs are expecting contact from DHS. The information the POC can provide or verify is:

- C6.** Safe for use as intended. Provide available analyses evidencing that the Technology is safe for use as intended. Please note any known or suspected hazards or safety risks associated with your Technology. Please provide safety and hazard analyses for your Technology.

ADDITIONAL ATTACHMENTS

Provide additional supporting documentation.

DECLARATION FOR WRITTEN SUBMISSIONS

I declare, to the best of my knowledge and belief, that the information provided in response to the questions set forth in this Application for SAFETY Act liability protections is true, factual, and correct, and that I am an authorized agent of the Applicant.

Prepared By: _____ Title (if applicable): _____

Signature: _____ Date: ____/____/20__

The signature of the Preparer must be notarized below:

State of: _____ County of: _____

Subscribed and sworn before me this _____ day of _____

Notary Public: _____

My Commission Expires on: _____

Instructions for Completing Certification Application Form:

Application Type

Item C1. Type of Application

If you have not previously filed an Application for SAFETY Act Certification for this Technology, check “Initial Filing.”

If you have previously applied for SAFETY Act Certification for this Technology, check the second box: “Resubmission of Previous Application for Certification.” This case applies if any previous applications for this Technology were found to be incomplete, were withdrawn, or were declined. Previously incomplete or declined applications will not adversely affect the evaluation of your current application. This information is requested for administrative and record-keeping purposes only.

Expedited Review

Item C2. Expedited Review

In its discretion, the Department may identify categories of anti-terrorism technologies for which expedited processing may be granted. For example, the Under Secretary may conduct expedited processing for applications that are the subject of a pending or past Federal, State, or local procurement, which address a particular threat, that involve particular types of anti-terrorism technologies, or for other reasons. If you are requesting an expedited review, please specify the appropriate basis for expedited treatment of your application.

If your Technology is the subject of a pending Government procurement or if you are planning to submit a proposal for a procurement decision in the near future, provide the following information to the extent available:

- a. Name of procuring organization;
- b. Contact information for relevant Government procurement officials;
- c. Related Request for Proposal (RFP) number or other official identifier of the procurement; and
- d. Upcoming deadlines relating to the procurement (e.g., submission deadline, decision/contract award, etc.).

If your request to expedite falls under a published DHS Notice of Expedited Processing, please provide such notice’s reference number and follow the instructions set forth in the announcement.

If your request to expedite is not related to procurement, please provide the basis for your request and provide available supporting information.

Registration Information

Item C3. Registration Information

Please check the appropriate box relating to your registration status.

Item C3.1. Name of Seller/Applicant

Enter your Seller name as listed on your registration form.

Certification as an Approved Product for Homeland Security

Item C4. Performs as Intended

Provide support for the claim that your Technology will perform as intended. Explain what it means for your Technology to perform as intended and include information demonstrating that the Technology will, under reasonable circumstances, consistently perform as intended over time. This information may be the same as, or in addition to, information provided for an application for SAFETY Act Designation.

The kind of documentation you should provide will depend on the nature of your Technology. If your Technology is primarily a device or software product, then your documentation should emphasize the likely operating performance of that device or software. This will require that you demonstrate that your Technology is effective for its intended use AND that it will perform reliably. You may consider providing information regarding the continuing ability of your Technology to perform and be used in accordance with specifications. Such specifications could include, for instance, elements such as detection limits, mean time between failures, probability of detection, false positive/negative rates, or other metrics. You may include, for instance, any Government acceptance testing, third-party evaluations, or other objective data. Measures of effectiveness include evidence of quality control plans, reliability data, evidence of reproducibility between deployments, and evidence that customers can install, use, and maintain the system. This might include procedures to test your Technology over time. The Technology might also have defined performance specifications that are consistently met while the Technology is in operation.

If your Technology is primarily a service, you should provide information on the effectiveness of the core capabilities of the service. Such information may be provided through documentation of past deployments of the Technology as a whole or through the completion of substantially similar projects through other means.

Information supporting the effectiveness of your service could include such items as sound quality assurance processes, internal or external auditing services to ensure that the processes remain current, performance review strategies, employee screening procedures and certification requirements, documented practices of updating employee training, processes for maintaining currency of training and intelligence information, and similar factors. If you have successfully deployed the Technology

or a substantially similar project multiple times with success (i.e., testimonials, independent assessments, etc.), then you may provide this information as evidence of the performance of your Technology. You may, when applicable, demonstrate reproducibility by adherence to well-recognized national or international standards.

You may include, as an attachment to your application, the supporting or referenced material that is not publicly available. If you refer to information provided elsewhere in your application, cite it by internal title, item number, or the name of the attachment.

If POCs are provided as sources of information or testimonials, please indicate that you have contacted them and that they are expecting to hear from DHS related to your Technology. Also, indicate what information we should expect from each POC.

Item C5. Conforms to Seller's Specifications

Provide support for the claim that your Technology conforms (and will continue to conform) to the applicable specifications. For products, technical specifications should include those items that are invariable from deployment to deployment, such as size, weight, or services provided with the sale of the product (maintenance, warranties, etc.). Consideration should be given to factors such as compliance with manufacturing standards, factory acceptance testing procedures, site acceptance testing procedures, quality control processes and procedures, and quality assurance plans. Government acceptance of your Technology and related testing may be highly relevant to these areas.

For services, specifications might consist of the processes and procedures that dictate the implementation of the service. Such processes could be given in a standard operating procedure document or a process manual. You might also supply this support through a "Statement of Work" or through a response to a "Request for Proposal." Additionally, you should provide information that a process is in place to ensure conformity with those specifications, such as a well-defined quality assurance plan or adherence to applicable industry standards. In cases where standards do not exist or apply, you should show some mechanism to ensure conformity with specifications, such as periodic internal or external reviews of the service's fundamental processes. Again, Government acceptance/use of your Technology may be highly relevant.

Your response may consist of an overview narrative including references and summaries of supporting documentation. You may include as an attachment to your application any of the supporting or referenced material that is not publicly available. The Department requires this information to perform its comprehensive review of the design of your Technology to determine whether it conforms with your specifications.

If POCs are provided as sources of information or testimonials, please indicate that you have contacted them and that they are expecting to hear from DHS related to your Technology. Also, indicate what information we should expect from each POC.

Item C6. Safe for Use as Intended

Please provide information that your Technology is safe for use as intended. Provide a safety and hazard analysis for your Technology.

The SAFETY Act (6 USC § 442(d)(2)) requires that the Seller conduct and provide to the Department safety and hazard analyses for the Technology being considered for SAFETY Act Certification. Your safety and hazard analyses should discuss:

- Documentation pertaining to the safety of your Technology.
- Known hazards associated with any part of the lifecycle of your Technology.
- Any potential hazards to your employees.
- Any potential hazards to the purchasers or operators of your Technology.
- Any potential hazards to third parties.
- Potential hazards arising from the Technology's deployment in the event of an act of terrorism.
- Potential hazards arising in the event of a false alarm.
- Potential hazards arising from improper deployment, use, or maintenance of the Technology.

Your response may also include an overview narrative, including references and summaries of supporting documentation. You may include, as an attachment to your application, any of the supporting or referenced material that is not publicly available.

Additional Attachments

In the process of answering the questions above, you might find it useful to attach additional documents in support of your answers. These items can be included in your application by using the "Additional Attachments" feature. When answering the items above, it is appropriate to refer to attachments by name and/or number.

Examples of common attachments might include, but are not limited to, the following: test reports demonstrating the effectiveness of the Technology, operating manuals, training manuals, project/program management plans, quality assurance plans, quality control plans, copies of test reports demonstrating effectiveness, results from pilot studies, testimonials from customers, and warranties. The Department will also accept any supplementary information concerning your Technology that you feel will be helpful to the Department in analyzing your Technology.

Declaration for Written Submissions

An authorized agent of the Applicant must, in the presence of a Notary, sign and date this form before submitting it to OSAI. For electronic or Web submissions, follow the instructions provided at safetyact.gov.